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Attorneys for Defendants

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

AMERICAN CIVIL LIBERTIES UNION,

Plaintiff,

v.

UNITED STATES IMMIGRATION AND  
CUSTOMS ENFORCEMENT, et al.,

Defendants.

CASE NO. 4:23-cv-03450-DMR

**DECLARATION OF DAVID M. DEVITO**

I, David M. DeVito, declare as follows:

1. I am an Assistant United States Attorney and the attorney of record for Defendants in this action. I submit this declaration in support of the parties' Joint Status Report and Stipulation to Time filed concurrently herewith. The facts set forth in this declaration are within my personal knowledge or based upon documents and information I have received in the course of this litigation.

2. Defendants are in the process of analyzing information provided by Plaintiff concerning Plaintiff's claim for attorney's fees and costs. Additional time is necessary to complete that process and permit the parties to attempt to resolve Plaintiff's claim for attorney's fees and costs without the need for further litigation.

1           3.       This is the parties' fourth request to modify the schedule for this matter. The parties  
2 previously stipulated to extend the answer deadline, to modify the date of the hearing on the parties'  
3 cross-motions for summary judgment, and to extend Defendants' time to file a supplemental declaration  
4 in support of their motion for summary judgment. *See* ECF Nos. 13, 48-49, 55-56.

5           4.       The requested extension will not affect the schedule for the case because no further  
6 schedule has been set.

7  
8           I declare under penalty of perjury under the laws of the United States that the above is true and  
9 accurate to the best of my information, knowledge, and belief. Executed this 21st day of November,  
10 2024, in San Francisco, California.

11                               /s/ David M. DeVito  
12                               DAVID M. DEVITO  
13                               Assistant United States Attorney  
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